

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LORRAINE DUGGIN and JOHN (JACK)
KISCOAN, individually and as Co-Special
Administrators for the Estate of SUSAN D.
KISCOAN, deceased,

Plaintiffs,

v.

THE CITY OF OMAHA, NEBRASKA,

Defendant,

Case No. 8:19-cv-453

**MOTION FOR
SUMMARY JUDGEMENT**

PURSUANT TO Federal Rule of Civil Procedure 56, the Defendant moves the Court to dismiss Plaintiff's Complaint and find in favor of Defendant and against the Plaintiff. In support of this Motion, the Defendant shows the Court that there are no material issues of fact in dispute and Defendant is entitled to judgment as a matter of law. Defendant has submitted a brief and an Index of Exhibits in support of this Motion.

WHEREFORE, Defendant prays that the Plaintiff's Complaint be dismissed and that Defendant have and recover its costs expended herein.

Dated this 2nd day of August, 2021.

CITY OF OMAHA, Defendant,

By s/Michelle Peters

MICHELLE PETERS, No. 20021

Deputy City Attorney

JARED DEAN, No. 26314

Assistant City Attorney

1819 Farnam Street, Suite 804

Omaha, NE 68183

Telephone: 402/444-5115

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2021, I electronically filed the foregoing **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which sent a copy of the foregoing to all of the attorneys of records in this case, and sent notification of such filing by U.S. Postal Service, postage prepaid to Christopher P. Welsh, 9290 West Dodge Road, 204 The Mark, Omaha, NE 68114.

/s/Michelle Peters_____

CERTIFICATE OF SERVICE

I hereby certify that on the____ day of August, 2021, I electronically filed the foregoing **MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which is to send notification of such filing to all attorneys registered with the system who have entered an appearance in this action.

/s/ Michelle Peters